

Law Office of Heidi A. Wendel PLLC

MEMO ENDORSED

May 19, 2023

Filed by ECF

Hon. Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

Re: U.S. and State of New York *ex rel.* Munford v. Maranatha Human Svcs., et al.
18 CV 8892 (KMK)

Dear Judge Karas:

Plaintiff-Relator Stephanie Munford respectfully submits this letter motion, pursuant to Rule IX of the Court's Individual Rules of Practice, to request permission to redact portions of certain exhibits that will be submitted in opposition to Defendant Maranatha Human Services, Inc.'s ("Maranatha's") summary judgment motion. We have conferred with Maranatha's counsel, which consents to the proposed redactions. The proposed redactions are briefly summarized in the table below:

Exhibit ¹	Summary Description of Information Redacted
Exhibit N (excerpt of the deposition of Kate Mullaly, Accountant at Maranatha)	Patient names
Exhibit O (excerpt of the deposition of Tiffany Harris, Program Director at Maranatha)	Patient names
Exhibit QQ (letter to Ms. Munford from Al Coley)	Ms. Munford's home (street) address
Exhibit WW (spreadsheets prepared by Ms. Mullaly)	Patient names
Exhibit BBB (letter to Ms. Munford from Rosalind Medley, Compliance Officer for Maranatha)	Ms. Munford's home (street) address
Exhibit III (email from Ms. Harris to others at Maranatha)	Patient names

As is evident from the table above, the redactions are not substantive and are designed solely to protect personally identifiable information from public disclosure. Some of the

¹ All exhibit references are to documents that will be attached to the Declaration of Heidi A. Wendel, Esq., which will be submitted on behalf of Plaintiff-Relator in opposition to Maranatha's summary judgment motion.

proposed redactions (*i.e.*, patient names) relate to the provision of medical care to third parties. That information is protected from disclosure by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), Pub. L. 104-191 (1996), and/or Department of Health regulations. *See* 45 C.F.R. § 164.502(a). "Courts in this circuit have repeatedly held that information protected by HIPAA is not subject to a First Amendment or common-law right of access" and thus these courts have permitted the redaction of such information from filed documents. *Offor v. Mercy Med. Ctr.*, 167 F. Supp. 3d 414, 445 (S.D.N.Y. Mar. 10, 2016), *aff'd in relevant part, vacated in part, and remanded*, 676 Fed. App'x. 51 (2d Cir. 2017) (summary order).

Other proposed redactions relate to the home address of Plaintiff-Relator. This Court has previously granted motions to redact similar information. *See Rojas v. Triborough Bridge and Tunnel Auth.*, 2022 WL 773309, at *3 (S.D.N.Y. Mar. 14, 2022) (granting motion to seal to the extent it covered "confidential personal information relating to plaintiff," including phone number); *Anderson v. New York City Health and Hospitals Corp.*, 2020 WL 1047054, at *3 (S.D.N.Y. Mar. 4, 2020) (permitting certain personal information, such as home address, to be protected from public disclosure where it had "no bearing" on issues and stating that such information "has been recognized by courts in this Circuit as the type of personal information that should be shielded from public disclosure").

None of the proposed redactions involve material that is likely to be in any way relevant to the Court's consideration of Plaintiff-Relator's opposition to Maranatha's summary judgment motion. Accordingly, Plaintiff-Relator respectfully requests that her unopposed motion to redact certain portions of the exhibits she will be filing be granted.

Thank you for your consideration of this request.

Respectfully,

Heidi A. Wendel

Heidi A. Wendel

cc: Chris Stevens, Nixon Peabody
Tina Sciocchetti, Nixon Peabody
Michael J. Lingle, Nixon Peabody

SO ORDERED


KENNETH M. KARAS U.S.D.J.

5/22/23